

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE ELECTRICAL
WORKERS' INSURANCE FUND,

Plaintiff,

v.

CASE NO. 15-CV-10590
HONORABLE GEORGE CARAM STEEH

MARK L. MYERS,

Defendant.

_____ /

ORDER GRANTING PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE

This ERISA case arises out of plaintiff's claim for restitution of short term disability benefits allegedly paid to defendant by the plaintiff and also by his union's pension fund. Now before the court is plaintiff's *ex parte* motion for alternative service. In its motion, plaintiff seeks to serve defendant by posting a copy of the summons and complaint at his place of abode and also by first class mail.

The court has reviewed the affidavit of the process server, and proof of plaintiff's attempts to serve defendant by certified mail, and finds that plaintiff has sufficiently shown that service of process cannot reasonably be made as provided by Federal Rule of Civil Procedure 4. The affidavit avers that the process server attempted personal service on five separate occasions over a two week period. It further avers that on one of those occasions it appeared that a resident was home but refused to answer the door, and that on another occasion, a man answered the door and stated that defendant was out of town. Plaintiff also attempted to serve by certified mail which was returned as unclaimed, although the

Post Office confirmed that defendant has not filed a change of address. Under M.C.R. 2.105(l)(1), “[o]n a showing that service of process cannot reasonably be made [in the normal manner], the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” Plaintiff has met its burden here. Accordingly,

IT IS ORDERED that plaintiff’s motion for alternative service (Doc. 3) is GRANTED.

IT IS FURTHER ORDERED that plaintiff may serve defendant by posting copies of the summons and complaint on the front door of defendant’s residence at 4710 Kensington Rd., Milford Michigan, 48380 and by first class mail to the same address.

Dated: March 31, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
March 31, 2015, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk